

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY



(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 23 FEB 2005

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Applicant's or agent's file reference <b>CI0119PCT</b>	<b>FOR FURTHER ACTION</b>		See Form PCT/PEA/416
International application No. <b>PCT/EP2004/007321</b>	International filing date (day/month/year) <b>05.07.2004</b>	Priority date (day/month/year) <b>04.07.2003</b>	
International Patent Classification (IPC) or national classification and IPC <b>B65D5/38, B65D75/58</b>			
Applicant <b>CFS WEERT B.V. et al.</b>			
1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. 2. This REPORT consists of a total of 4 sheets, including this cover sheet. 3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau) a total of 1 sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).			
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the opinion <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application			
Date of submission of the demand  <b>23.12.2004</b>	Date of completion of this report  <b>21.02.2005</b>		
Name and mailing address of the International preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  <b>Visentin, M</b>  Telephone No. +49 89 2399-2614  		

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/EP2004/007321

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## Box No. I Basis of the report

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1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

### Description, Pages

1-5 as originally filed

### Claims, Numbers

9, 10 as originally filed

1-8 received on 28.12.2004 with letter of 22.12.2004

### Drawings, Sheets

1, 2 as originally filed

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/EP2004/007321

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	1-8
	No: Claims	
Inventive step (IS)	Yes: Claims	1-8
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-8
	No: Claims	

**2. Citations and explanations (Rule 70.7):**

**see separate sheet**

1. The following documents are referred to in this communication:  
D1 : EP-A-0 976 665
2. Document D1, which is considered to represent the most relevant state of the art for the matter defined in independent claim 1, discloses a package comprising a closed bag of plastic film containing a tray according to the preamble of claim 1, from which the subject-matter of claim 1 differs in that:  
*- the package and/or the tray comprise means to partially unbag said tray from said package only up to a predetermined maximum extent.*
- 2.1 The problem to be solved by the present invention is that of render a user able of re-packing the goods contained in a flexible plastic bag in a secure and easy way.
3. For completeness of information it is observed that document FR-A-2 649 672, cited in the search report, discloses a telescopic carton box constituted by an external rigid cover containing an internal container which can be pulled out to a certain extent from the cover thanks to stop means formed on both cover and internal container(see in particular fig. 3). In spite of the fact that such stop means perform the same operation as in the present application, it is considered implausible that the skilled man could think of combining the teaching of D1 and FR-A-2 649 672, regarding it as being an obvious design option to include this feature in the package described in D1, so to arrive to a package according to claim1, on account of the very different nature of the packages disclosed in these cited documents.  
The problems to be solved by the two inventions are different as well.  
The problem to be solved by the carton box of FR-A-2 649 672 is that of providing an inviolable box in which the contained goods should remain in the darkness.
4. The subject-matter of claim 1 is therefore novel (Article 33(2) PCT) and the solution to the above-mentioned problem proposed in claim 1 is considered as involving an inventive step (Article 33(3) PCT).
5. The dependent claims define additional embodiments of the invention.

**Claims**

1. Package (1) comprising a plastic film (10) with at least one seam (2, 2a, 5, 6), said film (10) enclosing a tray (3), said film (10) comprising opening means (6, 52, 53) being provided for the possibility to open said package (1) at a predetermined position of the package (1), characterized in that said package (1) and/or said tray (3) comprise means (5, 52, 31) to partially unbag said tray (3) from said package (1) only up to a predetermined maximum extent.
2. Package (1) according to claim 1, characterized in, that said tray (3) is provided to carry packaged goods (4).
3. Package (1) according to any one of the preceding claims, characterized in, that said packaged goods (4) are unbaged together with said tray (3).
4. Package (1) according to any one of the preceding claims, characterized in, that said packaged goods (4) are unbaged partially up to a predetermined maximum extent.
5. Package (1) according to any one of the preceding claims, characterized in, that said package (1) is provided with means to reclose (53) the package (1) after a first opening of the package (1).
6. Package (1) according to any one of the preceding claims, characterized in, that said plastic film (10) is provided as a multilayer film (10).
7. Package (1) according to any one of the preceding claims, characterized in, that said packaged goods (4) are provided as cheese and/or ham.
8. Package according to any one of the preceding claims, characterized in, that the means (31) are dents.